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Remarks

Reconsideration of the above-captioned application is respectfully requested. Of relevance to the present amendment is the rejection of Claims 1-3 under 35 U.S.C. §103 as being unpatentable over Simpson, USPN 6,809,776 in view of Klosterman et al., USPN 6,469,753.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

To overcome the Examiner's rejections, Claim 1 has been amended to recite configuring the switch to pass either a television channel or the virtual channel, but not both to a display based at least in part on a user channel selection of the television channel or the virtual channel as disclosed on, e.g., page 10, lines 19 and 20. Claims 1-9 remain pending.

As correctly noted by the examiner, Simpson does not have virtual channels. At most it superimposes text and graphics onto a TV channel display. Amended Claim 1 required more capability than that, however. It now requires the ability to display either a virtual channel or a TV channel alone, by establishing a switch position in response to a user channel selection. Were the references to be combined as proposed, this feature would not result, since the relied-upon circuit in Simpson is for superimposing text and graphics on a TV channel display, and consequently, if Klosterman were to be added, the relied-upon circuit of Simpson would superimpose Klosterman's virtual channel as a text/graphics display over the TV channel display, in accordance with the teachings of the references. Since Klosterman does not appear to mention "mixer" or "switch" and since, as acknowledged by the examiner, Simpson has no virtual channels, there is no suggestion

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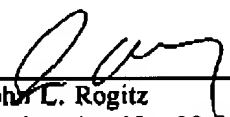
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in the prior art to use the relied-upon circuit of Simpson any differently than what is actually taught by Simpson.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

  
\_\_\_\_\_  
John L. Rogitz  
Registration No. 33,549  
Attorney of Record  
750 B Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075

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